

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 10

September 19, 2014

SUBJECT: REINTEGRATING EMPLOYEES INTO THE WORKPLACE AFTER AN EXTENDED ABSENCE - REVISED AND RENAMED; AND, DEFINITIONS OF TERMS USED IN THE DEPARTMENT MANUAL - REVISED

PURPOSE: The process of reintegrating sworn employees into the workplace after a court-ordered involuntary separation, known as Judicially-Restored Officers (JRO), or after an extended leave or absence, is vital to Department operations. This Order ensures that employees who are returning from an extended leave or court-ordered involuntary separation are properly reintegrated into the Department. This Order amends Section 0/030, *Definitions of Terms Used in the Department Manual*; and revises and renames Section 3/731.20, *Reintegrating Employees into the Workplace After an Extended Absence*, of the Department Manual.

PROCEDURE: The Department shall ensure that a sworn employee who is returning from an extended leave or court ordered involuntary separation receives due benefits and pay without delay and be provided with standardized reintegration training. All processing of officers returning to duty, including participation in the conduct evaluation process, shall be done on an "on-duty basis." The Department will be in full compliance with the Uniformed Services Employment and Reemployment Rights Act guidelines, rules, and regulations.

Attached are the definitions for "Extended Leave Officer" and "Judicially-Restored Officer" and the procedures for the reintegration process for an officer returning from an extended leave or a JRO, with revisions indicated in italics.

AMENDMENTS: This Order amends Sections 0/030 and 3/731.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

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030. DEFINITIONS OF TERMS USED IN THE DEPARTMENT MANUAL. The following words and terms have the meanings herein assigned, unless it *is* apparent from the content that they have a different meaning:

Adult. "Adult" *means* any person eighteen years of age or older.

Board. "Board" *means* the Board of Police Commissioners.

Booking. "Booking" *means* the process of registering in Department records the custody of persons or property.

Business Hours. "Business Hours" *means* 0830 hours to 1700 hours, Monday through Friday, excluding legal holidays.

CHP. "CHP" *refers* to the California Highway Patrol.

CHP Officer. "CHP Officer" *means* those employees of the California Highway Patrol, regardless of rank, defined in Section 2250 of the California Vehicle Code.

Call. "Call" *means* a visit made by an employee in response to a station assignment, a request from a private person, or a Department communication, or in furtherance of an investigation or an assignment.

Charter. "Charter" *means* the Charter of the City of Los Angeles.

City. "City" *means* the City of Los Angeles.

Civilian Employee. "Civilian Employee" *means* any employee of the Department other than a police officer of the City of Los Angeles, as defined in Section 1302 (a) of the City Charter.

Conduct Evaluation Process. The conduct evaluation process is *used* to determine if the employee engaged in any activity that would legally preclude him/her from holding the position of peace officer in the State of California.

Consent Decree. "Consent Decree" *means* a binding agreement between the *United States Department of Justice* and the City of Los Angeles.

County. "County" *means* the County of Los Angeles.

DMV. "DMV" *refers* to the California Department of Motor Vehicles.

Department. "Department" *means* the Los Angeles Police Department.

Department Property. "Department Property" *means* any City-owned property controlled by the Department.

Employee/Personnel. The terms "employee" and "personnel" are used interchangeably and apply to **any** person employed by the Department. These terms also apply to reserve officers while on-duty.

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Extended Leave Officer. An "Extended Leave Officer" means any officer that has been absent from work for any reason, in excess of 365 calendar days, but has **not** been separated (terminated, resigned, or retired) from the Department except those assigned to home with pay.

Judicially-Restored Officer. A "Judicially-Restored Officer" means any officer that has been terminated from the Department and then ordered to be reinstated by a court of law.

Juvenile. "Juvenile" means any person under the age of eighteen years.

Metropolitan (Central) Area. "Metropolitan Area" means that territory lying within the geographic limits of Central, Southwest, Southeast, Hollenbeck, Hollywood, Wilshire, Northeast, 77th Street, Newton, Olympic, and Rampart Areas.

Minor. "Minor" means any person under the age of eighteen years.

Exception: A person under the age of twenty-one years is considered a minor with respect to the following:

- Sentencing and commitment of persons to the California Youth Authority.
- Veterans' benefits.
- Alcoholic Beverage Control Act.

Officer/Sworn Personnel. "Officer" and "sworn personnel" are used interchangeably and apply to those employees of the Department, regardless of rank, who are "...sworn in, as provided by law, to perform the duties of a regular police officer of the City of Los Angeles..." [Section 1302 (a) of the City Charter]. These terms also apply to reserve officers while on-duty.

Exception: The term "officer" when preceded by a modifier may pertain to other than sworn personnel (e.g., detention officer, traffic officer).

Outlying Areas. "Outlying Areas" means that territory lying within the geographic limits of Devonshire, Foothill, Harbor, North Hollywood, Van Nuys, Pacific, West Los Angeles, West Valley, Mission and Topanga Areas.

Permanent Employee. "Permanent Employee" means any person employed by the Los Angeles Police Department who has completed *entry*-level employment probation.

Photograph. The use of the term "photograph" includes visual images that are either film-based or electronically captured (e.g., digitally-generated images, videotape still, laser copies of image sources).

Police Work of Major Importance. "Police Work of Major Importance" means police activities involving the arrest, processing, and detention of felony suspects and intoxicated drivers, and activities necessary to the immediate interest of public safety and protection of life and property. Investigations will be limited to those activities which include felonies, deaths, serious injuries, and City-property involved traffic collisions involving injuries or substantial property damage.

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Rank. "Rank" *means* the civil service title of the classification held by an officer.

SVS. "SVS" *refers* to the Stolen Vehicle System, California Department of Justice.

Undercover Assignment. An undercover assignment consists of an officer assigned to a non-uniform operation requiring anonymity or blending into a group or environment to gather evidence or intelligence. The disclosure of the employee's identity as a police officer would pose a significant safety risk. This assignment could include the role of undercover operator, undercover support, close-cover operator or surveillance operator.

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731.20 REINTEGRATION PROCEDURES FOR A JUDICIALLY-RESTORED OFFICER AND EXTENDED LEAVE OFFICER. *The Department shall ensure that a judicially-restored officer (JRO), or a sworn employee who returns to duty after an extended leave, in excess of 365 calendar days, receives back pay, if applicable, and completes the reintegration procedures. All processing, including participation in the conduct evaluation process, shall be done on an on-duty basis. The definitions of a JRO and an Extended Leave Officer are delineated in Department Manual Section 0/030.*

This Manual Section also applies to a sworn employee who has returned to work from a temporary relief from duty, or inactive duty (Manual Section 3/840.10, Inactive Duty – General) in excess of 365 calendar days. If applicable, the procedures delineated in Manual Section 3/860.30, Suspended Employee – Return to Duty, shall be adhered to when returning City-owned firearm(s) and Department-issued ammunition to the concerned employee.

*Officers returning from extended leave (not applicable to JROs) **shall not** be subjected to criminal history checks. However, officers shall adhere to Manual Section 3/837, Department Employee Detained or Arrested for a Prosecutable Offense, if applicable. In addition, officers shall complete any required Department documents (e.g. forms, publications, surveys) that were issued during his/her leave.*

Employee's Responsibilities. *When a sworn employee who has been on an extended leave in excess of 365 calendar days plans to return to work, he/she shall:*

- *Meet with his/her commanding officer (CO) immediately upon returning to begin the reintegration process; and,*
- *Accomplish all reintegration tasks as directed by the Department.*

Note: *If applicable, the returning employee shall report to his/her CO or designee prior to the start of watch to retrieve his/her identification card, badge, or other Department property and follow the same procedures as that of a suspended, temporarily relieved, or inactive duty employee as delineated in Manual Section 3/860.30. This meeting is in addition to the above employee's responsibilities.*

Commanding Officer's Responsibilities. *Upon becoming aware of an officer returning from an extended leave, the concerned employee's CO shall, without delay, notify the Return to Work Section (RTWS), Personnel Division, of the sworn employee's return for the initiation of the reintegration process.*

Note: *Legal Affairs Division or Professional Standards Bureau (PSB) shall notify the CO, Personnel Division, of the return of a JRO due to a court order or a writ of mandate. Legal Affairs Division and PSB shall provide all requisite information to facilitate the timely reintegration of the JRO. Personnel Division will notify the CO of the JRO's last Area/division of assignment, and contact the JRO to begin the reintegration process.*

The CO, Personnel Division, will also ensure the sworn employee is precluded from engaging in any field enforcement activities pending the completion of the reintegration process.

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Return to Work Section, Personnel Division's Responsibilities. Once notified by a CO that a sworn employee has returned from an extended leave or upon notification of the return of a JRO, the RTWS, Personnel Division, will be the point of contact and coordinator for the reintegration of the returning employee and shall:

- *Notify Hiring and Evaluation Section (HES), Recruitment and Employment Division (RED), and ensure the initiation of the conduct evaluation process;*
- *Meet with the returning employee and advise the employee of the reintegration process;*
- *Have the employee complete the appropriate documents for the conduct evaluation by HES;*
- *Ensure that the employee remains assigned to his/her current division, Area, bureau, or office of assignment, but is carried on loan to Training Division (TD) for the duration of the reintegration process;*
- *Facilitate appointment(s) at Medical Services Division (MSD), Personnel Department;*
- *Reissue the employee's badge and identification card, if applicable;*
- *Evaluate the employee's physician(s) work restrictions, if any, and prepare a reasonable accommodation assessment for completion by the employee's CO;*
- *Assist the employee's CO in determining whether the employee's work restrictions can be accommodated;*
- *Act as the Department's custodian of records for conduct evaluations;*
- *Confidentially retain and store any additional pertinent documents relating to the restoration of the JRO (e.g. writs, court orders, agreements) for later inclusion in the conduct evaluation package; and,*

Note: The RTWS shall forward a copy of the settlement agreement or court order to HES for review.

- *Process the Payroll System Replacement (PAYSR), City Form General 41, to reenter the employee into the payroll system at the appropriate rank, if applicable, and forward the form to Fiscal Operations Division.*

Training Division's Responsibilities. Upon notification by the RTWS of an employee's return to work, TD shall:

- *Determine what training is appropriate to bring the employee into compliance with the Peace Officer Standards and Training (POST) and Department requirements that are consistent with the employee's work restrictions, if any;*
- *Reissue all City-issued equipment to the employee; and,*

Note: Training Division shall ensure that the returning employee's body armor, if applicable, has not expired. If the employee's body armor has expired or is within six months of expiring, the employee shall be directed to the Uniform Shop, Supply Section, to be fitted for new body armor.

- *Periodically update the returning employee's CO as to the status of the employee in the reintegration process, as appropriate.*

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Medical Services Division, Personnel Department's Responsibilities. Upon request from RTWS, MSD will evaluate/screen the returning employee medically and psychologically prior to being assigned regular duties. For the purpose of employees under this order, LAPD will not request a medical release of a medical record. All such requests for medical records will be handled by MSD. If work restrictions are imposed by MSD, the Department will enter into the interactive process to determine if the employee can perform the essential functions of their class with or without accommodation.

Exception: Employees grandfathered in accordance with Department Manual Section 3/711.76.

Hiring and Evaluation Section, Recruitment and Employment Division's Responsibilities.

Upon notification by RTWS that an officer has been judicially restored or is returning to the Department after an extended leave, HES shall initiate the conduct evaluation process. The objective of the conduct evaluation process is to determine if the employee engaged in any activity that would legally preclude him/her from holding the position of peace officer in the State of California.

The focus of the conduct evaluation shall be for the fitness-for-duty criteria in accordance with California Government Code (GC) Section 1031. It is generally not necessary to review employment records from any employer the employee may have had during the extended leave period, unless there is reason to believe such employment was in conflict with GC Section 1031.

Note: If the conduct evaluation reveals that the employee may have engaged in conduct that will legally preclude him/her from holding peace officer status based on GC Section 1029 and/or 1031, a copy of the conduct evaluation package shall be forwarded to PSB.

Hiring and Evaluation Section personnel shall complete the conduct evaluation process as follows:

- Complete an evaluation of the employee's conduct from the time the leave began to the date the employee returned to the Department;
- Contact PSB to determine if the employee is the subject of any pending personnel complaint(s);
- Review and evaluate the employee's Military Department of Defense, Form DD 214, if applicable;
- Review and evaluate the employee's Department of Motor Vehicle history to ensure and facilitate compliance with California Vehicle Code and Los Angeles City Policies; and,
- **For JRO only**, obtain a classifiable set of fingerprints utilizing "Live Scan" in compliance with PC Section 11105.2, GC Section 1029(a) and (b), and POST Commission Regulation 1950 (c)(2).

Note: Live Scan results satisfy the Criminal History check and supplements the State of California Notice of Appointment/Termination, POST Form 2-114, of peace officer status notification to the DOJ.

Upon completion of the conduct evaluation process and its review by the Officer in Charge, HES, the package shall be forwarded to: the CO, RED; the CO, Personnel Group; and then to the CO, Personnel Division, who shall forward the completed conduct evaluation to RTWS for retention.

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Professional Standards Bureau's Responsibilities. *Upon notification by RTWS of an employee's return to work, HES will notify PSB of any instances in which any returning employee may have committed acts that may render him/her unfit for duty. The conduct evaluation will be forwarded to PSB. Upon receipt of the conduct evaluation, PSB shall evaluate the conduct of the returning employee, and if deemed appropriate, initiate a Board of Rights to determine the returning employee's fitness for duty, pursuant to GC Section 1029 and/or 1031.*

Fiscal Operations Division's Responsibilities. *Upon notification from RTWS and upon receipt of a completed PAYSr, City Form General 41, from Personnel Division, Fiscal Operations Division shall reactivate the JRO in the payroll system and ensure that retroactive pay that may be due, if any, is provided to the JRO in a timely manner.*